

**FILED**  
ASHEVILLE, N. C.

JUN - 9 2005

U.S. DISTRICT COURT  
W. DIST. OF N. C.

V.

## FINAL ORDER OF FOFEITURE BY CONSENT

Defendant.

Service was issued by publication of public notice in *The McDowell News*, Marion, North Carolina, a newspaper of general circulation, on March 28, April 4, and April 11, 2005.

On June 7, 2005, the court entered default against all persons and entities except Sandra Lynn Effler and Thomas Edward Effler, Jr.

There is probable cause for forfeiture of the defendant property and the United States District Court for the Western District of North Carolina has *in rem* jurisdiction over the defendant property.

The United States, Sandra Lynn Effler, and Thomas Edward Effler, Jr. have agreed to the forfeiture of the defendant property.

Thomas Edward Effler, Jr. has released and forever discharged the United States, its officers, agents, servants and employees, its successors or assigns, and all state or local governmental entities or law enforcement agencies in North Carolina and their officers, agents, servants and employees, their heirs, successors, or assigns, from any and all actions, causes of action, suits, proceedings, debts, dues, contracts, judgments, damages, claims, and/or demands whatsoever in law or equity which claimants or their heirs, successors, or assigns ever had, now have, or may have in the future in connection with this investigation, seizure, detention, and forfeiture.

The United States and Thomas Edward Effler, Jr. have agreed to bear their own costs, including attorney's fees.

Based on the foregoing findings, **IT IS HEREBY ORDERED, ADJUDGED, AND**

**DECREED** that:

1. Any and all right, title and interest of all persons in the world in or to the defendant property is hereby forfeited to the United States, and no other right, title, or interest shall exist therein;
2. In accordance with the Settlement Agreement, the sum of \$14,330.00 from the defendant property is to be paid to Thomas Edward Effler, Jr;
3. The United States Marshal is hereby directed to dispose of the forfeited defendant property as provided by law;
4. The United States and Thomas Edward Effler, Jr. shall bear their own costs of this action, including attorneys fees.

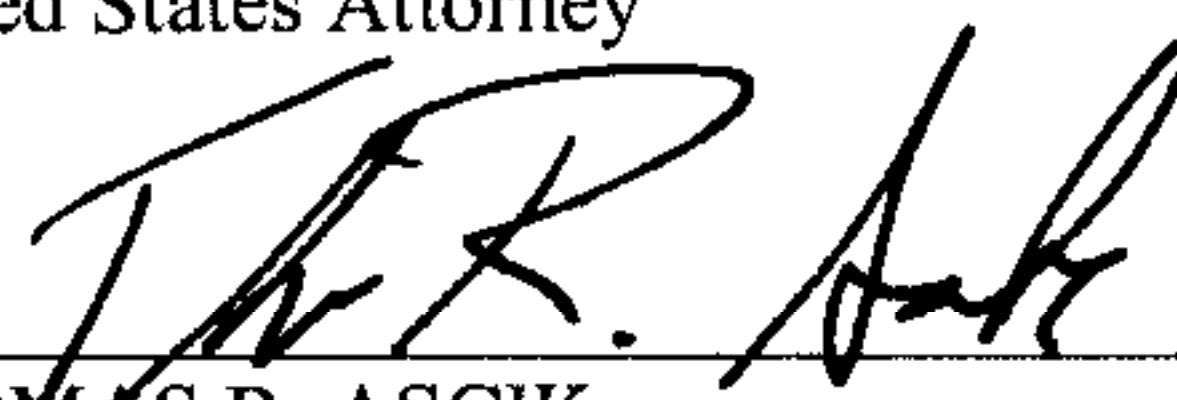
Signed this the 9<sup>th</sup> day of June, 2005.



**LACY H. THORNBURG**  
**UNITED STATES DISTRICT COURT JUDGE**

ON MOTION OF THE UNITED STATES OF AMERICA  
WITH PRIOR FILED CONSENT OF THOMAS EDWARD EFFLER, JR.  
AND SANDRA LYNN EFFLER

GRETCHEN C.F. SHAPPERT  
United States Attorney

  
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THOMAS R. ASCIK  
Assistant United States Attorney

Date: 6/7/05